

Amendments to the Drawings:

The attached replacement sheets of drawings include changes to FIGS. 1-9d. In FIGS. 1-9d, shading has been corrected to make each component clearer. These replacement sheets which depict FIGS. 1, 2, 3, 4, 5, 6, 7, 8a-8c, 8d, 9a-9b, and 9c-9d, replace the sheets currently on file depicting FIGS. 1, 2, 3, 4, 5, 6, 7, 8a-8c, 8d, 9a-9b, and 9c-9d.

Attachment: Eleven (11) replacement sheets of drawings  
(FIGS. 1-9d)

### REMARKS/ARGUMENTS

The claims are 38-39, 42-44, 47-53, 56-61, 63-64 and 66. Claim 42 has been amended to better define the invention and to depend on claim 38. Claim 50 has been amended to incorporate the subject matter of claim 62. Accordingly, claim 62 has been canceled. Claims 40, 41, 45, 46 and 65 have also been canceled. Claims 53 and 56 have been amended to depend on claims 50 and 53, respectively, and these claims and claims 39, 43, and 48 have been amended to improve their form or to better define the invention. FIGS. 1-9d have been amended to improve the shading. In addition, the specification has been amended at page 13 to delete reference to connection elements 5 and at pages 15-17 to conform certain reference numerals to the drawings. Reconsideration is expressly requested.

The Examiner objected to the specification because the reference numeral "5" was used to describe both a connection element at page 13 and a base plate at page 15. In response, Applicants have, *inter alia*, amended the specification to delete reference to "connection elements 5" at page 13 of the disclosure and to change "base plate 5" to -- base plate 3 -- at page 15 of the disclosure thereby overcoming the Examiner's objection on

this basis.

The drawings were objected to under 37 C.F.R. 1.84(p)(5) as not including the following reference signs mentioned in the description:

- connection element "5" in FIG. 1 (see page 13);
- a standard container "12" (see page 15);
- a door "1.1" (see page 16); and
- attachment elements "6.2" (see pages 16-17).

In response, Applicants have amended the disclosure to delete reference to connection elements 5 at page 13, to change the reference numeral for the standard container from "12" to -- C -- at page 15, the reference numeral for the doors from "1.1" to -- T -- at page 16, and the reference numeral for the attachment elements from "6.2" to -- 6, 6 -- in the paragraph bridging pages 16-17. It is respectfully submitted that the foregoing amendments overcome the Examiner's objections to the drawings under 37 C.F.R. 1.84(p)(5), and Applicants respectfully

request that the objection on that basis be withdrawn.

FIGS. 1-8d were also objected to as being unclear due to the shading. In response, Applicants have submitted herewith formal drawings with correct shading for FIGS. 1-8d, as well as FIGS. 9a-9d, which it is respectfully submitted overcomes the Examiner's objection to the drawings on this basis.

Claims 48, 53 and 56 were rejected under 35 U.S.C. 112, second paragraph, as being indefinite for the reasons set forth on page 4 of the Office Action. In response, Applicants have, *inter alia*, amended claims 48, 53 and 56 to improve their form or to better define the invention and have amended claim 53 to depend on claim 50 and claim 56 to depend on claim 53. It is respectfully submitted that all currently pending claims fully comply with 35 U.S.C. 112, second paragraph, and Applicants respectfully request that the rejection on that basis be withdrawn.

Claims 38, 47-51, 61 and 66 were rejected under 35 U.S.C. 102(b) as being anticipated by *Hönlinger U.S. Patent Application Publication No. 2002/0145308*. Claims 38, 39, 41 and 43 were rejected under 35 U.S.C. 102(b) as being anticipated by *Salari*

U.S. Patent No. 1,281,846. The remaining claims were rejected under 35 U.S.C. 103(a) as being unpatentable over *Hönlinger* alone (claims 45 and 52) or further in view of *Forsyth et al.* U.S. Patent No. 3,215,219 (claim 40), *Ladika et al.* U.S. Patent No. 5,663,520 (claims 41-43 and 46), *Miguel* U.S. Patent No. 4,404,889 (claim 44), *Knoll et al.* U.S. Patent No. 6,378,939 (claims 53, 57, 59, 60 and 63), *Knoll et al.* and *Hoffman* U.S. Patent No. 6,267,440 (claims 56, 58 and 65), *Bottcher et al.* Canadian Patent No. 2 402 753 (claim 62), or *Barecki* U.S. Patent No. 3,630,566 (claim 64).

In response, Applicants have, *inter alia*, canceled claim 40 thereby obviating the rejection on the basis of *Forsyth et al.* With respect to the remaining rejections, Applicants respectfully traverse same for the following reasons.

As set forth in claim 38, Applicants' invention provides a modular shelter system, particularly for transport of persons and/or objects, including a capsule-shaped housing produced at least partially by means of winding technology, that has a shape, at least on its underside, which guarantees the deflection of blast waves, and an accommodation system disposed within it, mounted so that it is uncoupled from a floor of the housing. The

accommodation system includes a base element and one or more seats disposed above the base element.

Although the Examiner has taken the position that claim 38 is anticipated by either of *Hönlinger* or *Salari*, it is respectfully submitted that the Examiner's position is unfounded because neither *Hönlinger* nor *Salari* discloses or suggests a modular shelter system having an accommodation system arranged therein in which the persons are actually present and which is decoupled from the floor of the housing of the shelter system. In this connection in *Salari*, the "bottom" is also a room and, therefore, it is respectfully submitted, cannot be considered, as commonly defined, as a bottom extending parallel to the ground. Accordingly, it is respectfully submitted that claim 38 is patentable over *Hönlinger* and *Salari*.

Claim 39 is dependent on claim 38 and further specifies that the housing has an oval or hexagonal cross section in the vertical section and in a section that runs at a right angle to its longitudinal axis or a combination of contours having circular curved regions and planar regions. Although the Examiner has taken the position that *Salari* discloses that the housing has a circular cross section, there is no disclosure or

suggestion in *Salari* of the cross section of the housing as set forth in claim 39 as amended. Accordingly, it is respectfully submitted that claim 39 is patentable over *Salari* for this additional reason.

Claim 42 is dependent on claim 38 and further specifies that the housing includes a door/door system having a redundant emergency exit function, which it is respectfully submitted is neither disclosed nor suggested by *Hönlinger* or by the secondary reference to *Ladika et al.* Accordingly, it is respectfully submitted that claim 42 is patentable over *Hönlinger* and *Ladika et al.* for this additional reason.

Claim 43 is dependent on claim 38 and further specifies that the housing includes fiber laminate material, concrete, or combinations thereof. It is respectfully submitted that this feature is nowhere disclosed or suggested by *Hönlinger* or *Ladika et al.* and that claim 43 is patentable over the cited references for this additional reason.

Claim 44 is dependent on claim 38 and further specifies that honeycomb structures, foams, or renewable raw materials are integrated into the housing. As the Examiner has recognized, *Hönlinger* fails to disclose or suggest this feature. Although

the Examiner relies on the secondary reference to *Miguel* as using a honeycomb structure in the body of a motor vehicle, it is respectfully submitted that the Examiner's position is unfounded as the honeycomb structure of *Miguel* is merely inserted between the individual layers of a bottom, not integrated directly in the housing. Accordingly, it is respectfully submitted that claim 44 is patentable over the cited references for this additional reason.

Claims 47 and 48 depend directly or indirectly on claim 38, and therefore, it is respectfully submitted, that these claims are patentable over *Hönlinger* for the same reasons that apply with respect to claim 38.

Claim 49 is dependent on claim 38 and further specifies that a space/interstice is present between the accommodation system that is uncoupled from the floor of the housing and the floor of the housing. In contrast, no distance between accommodation system 2 and the bottom of the housing can be seen in *Hönlinger*, merely the floor 3 has a distance to the vehicle inner bottom 2. Accordingly, it is respectfully submitted that claim 49 is patentable over the cited references for this additional reason.

Claims 50 and 51 depend directly or indirectly on claim 49 and further specify that fixed and/or shock-resistant and/or energy-resistant and/or impact-resistant structures are disposed in the space/interstice, that the base element does not rest against the housing, and as further recited in claim 51, that the structures have a reinforcement structure in the form of a floor support or in the form of a frame structure. In contrast, no energy-absorbent stiffening structures 9 are present in *Hönlinger* in a distance between an accommodation system 2 and the bottom (floor) of the housing. Although energy-absorbent structures are arranged on the bottom, they are inflatable and therefore, it is respectfully submitted, do not represent a durable stiffening in the sense of a reinforcement as recited in claim 51. Accordingly, it is respectfully submitted that claims 50 and 51 are patentable over the cited references for this additional reason.

Claim 52 is dependent on claim 51 and further specifies that the reinforcement structure is produced on the basis of aluminum, magnesium, steel, fiber laminate structures, or combinations thereof, in a homogenous or perforated embodiment. In contrast, no references are made in *Hönlinger* regarding the material of the reinforcement (stiffening). Accordingly, it is respectfully

submitted that claim 52 is patentable over the cited references for this additional reason.

Claim 53 is dependent on claim 50 and further specifies that the accommodation system above the structures is determined in its position via an attachment system which engages on the housing above the space/interstice between accommodation system and floor. As the Examiner has recognized, *Hönlinger* fails to disclose or suggest this feature. Although the Examiner relies on the secondary reference to *Knoll et al.* to remedy the deficiencies of *Hönlinger*, it is respectfully submitted that no structures are present in an accommodation system in *Knoll et al.* Accordingly, it is respectfully submitted that claim 53 is patentable over the cited references for this additional reason.

Claim 56 is dependent on claim 53 and further specifies that each seat of the accommodation system is connected with the base element on the one hand, and has a connection to the housing by way of the attachment system on the other hand. As recognized by the Examiner, *Hönlinger* fails to disclose or suggest this feature. Although the Examiner has taken the position that this feature is disclosed in by the combination of *Knoll et al.* and *Hoffman*, it is respectfully submitted that any such support in

this hypothetical combination would not be in a shelter system as recited in Applicants' claim 56. Accordingly, it is respectfully submitted that claim 56 as amended is patentable over the cited references for this additional reason.

Claim 57 is dependent on claim 53 and further specifies that the attachment system is formed by means of one or more first attachment elements/struts articulated on in the upper or lateral region of the housing which have a connection with the seats. As the Examiner has recognized, *Hönlinger* fails to disclose or suggest this feature. Although the Examiner relies on the secondary reference to *Knoll et al.* as teaching this feature, it is respectfully submitted that the Examiner's position is unfounded as *Knoll et al.* has seats fastened on a protective wall or on an outer side of a helicopter. Accordingly, it is respectfully submitted that claim 57 is patentable over the cited references for this additional reason.

Claims 58-60 are dependent on claim 53, which in turn is dependent on claim 50, which in turn is dependent on claim 49, which in turn is dependent on claim 38, and it is respectfully submitted that claims 58-60 are patentable over the cited references for the reasons applicable with respect to the claims

on which they depend.

Claim 61 is dependent on claim 50 and further specifies that the base element rests on the structure directly or by way of an intermediate layer. In contrast, the base 3 in *Hönlinger* does not sit on a reinforcement structure but is supported only on the frame while its surface hangs in the air. Accordingly, it is respectfully submitted that claim 61 is patentable over the cited references for this additional reason.

Claim 63 is dependent on claim 52 and further specifies that the seats are configured to be shock-absorbing and energy-absorbing. As the Examiner has recognized, *Hönlinger* fails to disclose or suggest this feature. Although the Examiner relies on the secondary reference to *Knoll et al.* to remedy the deficiencies of *Hönlinger*, it is respectfully submitted that the Examiner's position is unfounded because no energy-absorbent structures are present in *Knoll et al.* Accordingly, it is respectfully submitted that claim 63 is patentable over the cited references for this additional reason.

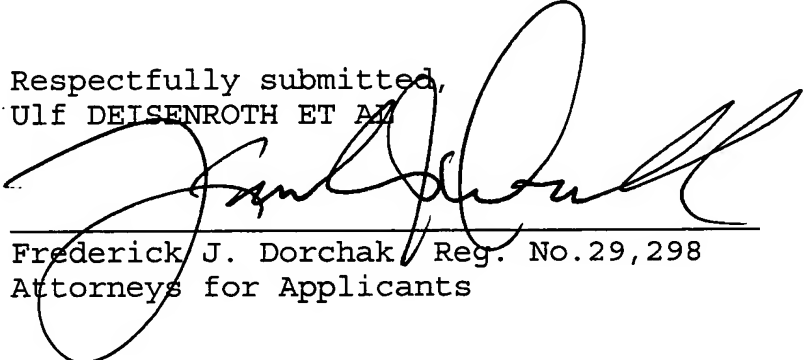
Claims 64 is dependent on claim 52, which in turn is dependent on claim 51, which in turn is dependent on claim 50,

which in turn is dependent on claim 49, which in turn is dependent on claim 38, and it is respectfully submitted that claim 64 is are patentable over the cited references for the reasons applicable to those claims.

Claim 66 is dependent on claim 51 and further specifies that the seats and/or the attachment system can be removed/disassembled from it. In contrast, no shelter system with accommodation system is present in *Hönlinger* and the seats are fastened in the accommodation system and cannot be removed/disassembled from it. Accordingly, it is respectfully submitted that claim 66 is patentable over the cited references for this additional reason.

In summary, claims 39, 42, 43, 48, 50, 53 and 56 have been amended, and claims 40, 41, 45, 46, 62 and 65 have been canceled. The specification and FIGS. 1-9d have also been amended. In view of the foregoing, it is respectfully requested that the claims be allowed and that this application be passed to issue.

Respectfully submitted,  
Ulf DEISENROTH ET AL

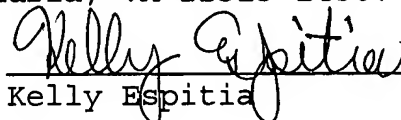
  
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# APPENDIX